

**Notice of Allowability**

Application No.

10/505,337

Examiner

Yong Chu

Applicant(s)

INGOLD ET AL.

Art Unit

1626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/23/2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/23/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

Claims 1-23 are pending in the instant application. Claim 24 is deleted by Preliminary Amendment filed on 23 August 2004. Claims 13-23 have been canceled by the Examiner's amendment as non-elected claims. Claims 1-12 are examined.

### ***Information Disclosure Statement***

Applicant's Information Disclosure Statements, filed on 23 August 2005, have been considered. All non-patent literatures listed in IDS are not provided to USPTO, and are not considered. Please refer to Applicant's copies of the PTO-1449 submitted herewith.

### ***Priority***

This application is a 371 of PCT/US03/05723, filed on 25 February 2003. Acknowledgement is made of Applicant's claim for U.S. Provisional Patent Application 60/360,432 under 35 U.S.C. §119(e), filed on 28 February 2002.

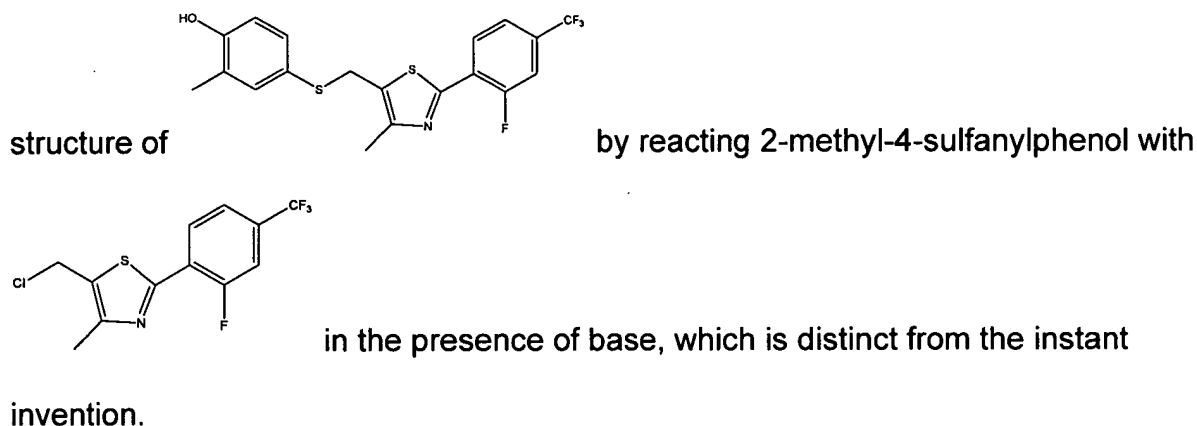
### ***Response to Restriction***

The response to the restriction request with election of Group I (e.g. claims 1-12) *without traverse* by Applicants' representative, Robert H. Brink dated on 23 February 2006, has been considered. Examiner is aware that Claim 24 is deleted via Preliminary Amendment filed on 23 August 2004. Claims 1-12 are examined.

### ***Reasons for Allowance***

The present invention is directed to a process for the preparation of thiazole related compounds. The invention comprising three steps: a) treating aryl halide with organ-metallic reagent (e.g. alkyl lithium, magnesium or Grignard- $\text{ZnX}_2$  reaction) to convert aryl to aryl nucleophile, which is well-known in the art; b) reacting the resulting aryl nucleophile with elemental sulfur to make sulfonylphenyl intermediate, which is novel; c) reacting the resulting sulfonylphenyl intermediate with heteroaryl compound with leaving group at alpha- carbon position. The closest two prior arts of records are PCT/US01/49230 (Cadilla *et al.*) and PCT/US01/22615 (Brooks *et al.*).

PCT/US01/49230 (Cadilla *et al.*) discloses a method for making a compound with



PCT/US01/22615 (Brooks *et al.*) discloses a method for making oxazolyl-aryloxyacetic acid, which is distinct from the instant invention.

Therefore, claims 1-12 are allowed.

Art Unit: 1626


***Telephone Inquiry***

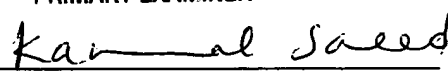
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759.

The examiner can normally be reached on 7:00 am - 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yong Chu, Ph.D.  
Patent Examiner  
Art Unit 1626

KAMAL A. SAEED, PH.D.  
PRIMARY EXAMINER  
  
for Joseph M. McKane  
Supervisory Patent Examiner  
Art Unit 1626